

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
WEDNESDAY MARCH, 12 2003  
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR  
MICHAEL KOEHS, CLERK  
MARIE MALBURG, TREASURER  
TRUSTEES: JANET DUNN  
DINO F. BUCCI, JR.  
CHARLES OLIVER

ABSENT: KENNETH MEERSCHAERT, JR.

Also in attendance: Larry Dloski, Township Attorney  
Jerome R. Schmeiser, Community Planning Consultant  
James Van Tiflin, Project Manager for Spalding & DeDecker  
Associates.  
James Gelios, Township Deputy Clerk  
(Additional attendance record on file with Clerk)

Call Meeting to Order

1. Roll Call

Clerk KOEHS called the roll. Trustee MEERSCHAERT absent.

**MOTION by BUCCI seconded by OLIVER to move that the name of Kenneth Meerschaert Jr, Township Board Trustee will not be called for all future Motions and Roll Calls.**

**MOTION carried.**

2. PLEDGE OF ALLEGIANCE

3. Approval of Agenda Items (with any addendums)

**MOTION by DUNN seconded by MALBURG to approve the agenda as amended.**

**MOTION carried.**

4. Approval of Bills

**MOTION by BUCCI seconded by MALBURG to approve the bill as submitted.**

**MOTION carried.**

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5. Approval of Meeting Minutes

**MOTION by DUNN seconded by BUCCI to approve the meeting minutes of February 26, 2003 as submitted.**

**MOTION carried.**

6. Public Comments (Non Agenda items only - 3 minute time limit)

Clerk KOEHS welcomed Boy Scouts Kyle Ball and Christian Ball to the New Township Hall.

**PUBLIC HEARING:**

7. Public Hearing date for Street Lighting Proposal and Agreement Request; Fairways of Macomb Subdivision Phase No. 2; Located north of 23 Mile Road and approximately 1772' feet west of Card Road. Permanent Parcel No. 08-15-401-001.

Supervisor BRENNAN reviewed the request. Supervisor BRENNAN opened the Public Hearing at 7:03 P.M.

Public Portion: None.

**MOTION by OLIVER seconded by MALBURG to close the Public Hearing at 7:04 P.M. for the Street Lighting Proposal and Agreement Request; Fairways of Macomb Subdivision Phase No. 2; Located north of 23 Mile Road and approximately 1772' feet west of Card Road. Permanent Parcel No. 08-15-401-001.**

**MOTION carried.**

**MOTION by OLIVER seconded by KOEHS to move forward on the Street Lighting Proposal and Agreement Request; Fairways of Macomb Subdivision Phase No. 2; Located north of 23 Mile Road and approximately 1772' feet west of Card Road. Permanent Parcel No. 08-15-401-001 as follows:**

*SAD, Street Lighting The Fairways of Macomb Subdivision #2*

**RESOLUTION ORDERING ESTABLISHMENT**

**OF STREET LIGHTING DISTRICT**

*Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on April 12, 2003, at 7:00 P.M., Eastern Standard Time.*

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AT 7:00 P.M.

**PRESENT:**     *John D. Brennan, Michael D. Koehs, Marie E. Malburg, Charles Oliver, Janet Dunn, Dino Bucci, Jr.*

**ABSENT:**       *Kenneth Meerschaert, Jr.*

*The following preamble and resolution were offered by Member OLIVER and supported by Member KOEHS.*

*WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and*

*WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and*

*WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and*

*WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.*

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE  
TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

- 1. It is hereby directed that a street light or lights shall be installed at The Fairways of Macomb Subdivision #2, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".*
- 2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.*
- 3. The initial installation shall equal the sum of \$36,565.82, together with the first annual electrical service charge in the amount of \$10,329.90, the Township's at-large contribution is \$-0-.*
- 4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.*

**AYES:** OLIVER, KOEHS, DUNN, BUCCI, MALBURG, BRENNAN.

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**NAYS: MEERSCHAERT**  
**RESOLUTION DECLARED ADOPTED.**

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**Michael D. Koehs**  
**Macomb Township Clerk**

**SAD, Street Lighting, The Fairways of Macomb Subdivision #2**

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF**

**SPECIAL ASSESSMENT LIGHTING DISTRICT**

***The Fairways of Macomb No. 2, being part of the southeast quarter of Section 15, T.3N., R13E., Macomb Township, Macomb County, Michigan being described as:***

***Commencing at the south quarter corner of Section 15; Thence N.01°48'49"W 1253.30 feet along the north and south quarter line of Section 15 to the point of beginning; Thence continuing N.01°48'49"W. 1426.07 feet along the north and south quarter line of Section 15 to the center post of Section 15; Thence N.87°57'23"E. 1332.56 feet along the east and west quarter line of Section 15; Thence S.01°49'26"E. 2243.91 feet along the west boundary of "Castle Mar Subdivision" as recorded in Liber of Plats, pages through , inclusive, Macomb County Records; Thence along the northerly boundary of "The Fairway of Macomb", as recorded in Liber 152 of plats, pages 86 through 92, inclusive, Macomb County Records the following 14 courses; Thence (1) N.60°18'00"W. 462.9 feet; (2) N25°36'00"E. 24.78 feet; (3) S.88°10'00"W. 149.01 feet; (4) 13.69 feet along a curve to the left having a central angle of 13°04'26", a radius of 60.00 feet and whose chord is N.20°34'23"W. 13.66 feet; (5) 15.00 feet along a curve to the right having a central angle of 25°16'37", a radius of 34.00 feet and whose chord is N.14°28'18"W. 14.88 feet; (6) N.01°50'00"W. 352.45 feet; (7) 15.00 feet along a curve to the right having a central angle of 25°16'37", a radius of 34.00 feet and whose chord is N.10°48'18"E. 14.88 feet; (8) 147.63 feet along a curve to the left having a central angle of 140°58'33", a radius of 60.00 feet and whose chord is N.47°02'40"W. 113.11 feet; (9) 15.00 feet along a curve to the right having a central angle of 25°16'37", a radius of 34.00 feet and whose chord is S.75°06'22"W. 14.88 feet; (10) S.87°44'40"W. 271.48 feet; (11) 133.32 feet along a curve to the right having a central angle of 34°43'20", a radius of 220.00 feet and whose chord is N.74°53'40"W. 131.29 feet; (12) N.57°32'00"W. 129.73 feet; (13) S.32°28'00"W. 50.00 feet; (13) 56.44 feet along a curve to the left having a central angle of 11°33'00", a radius of 280.00 feet and whose chord is S.26°41'30"W. 56.35 feet; (14) N.69°05'00"W. 154.00 feet to the point of beginning. Containing 52.76 acres, more or less and 140 lots, numbered 78 through 217, inclusive and wetland preservation area (private).***

**Pre-Printed Portion of document**  
**RETURN TO:**

**Drafted by:**  
**Lawrence W. Dloski**  
**ANTHONY, SEIBERT AND DLOSKI, PLLC**

**AFTER RECORDING**

**Michael D. Koehs**  
**Macomb Township Clerk**  
**54111 Broughton Road**

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*59 N. Walnut, 202 Vicant Building  
Mt. Clemens, MI 48043*

*Macomb, MI 48042*

**MOTION carried.**

**PLANNING COMMISSION:**

8. Rezoning Request from Agricultural (AG) to Residential Urban One Family (R-1); Located on the west side of Card Road and south of 24 Mile Road. Marquee Investments, LLC, Petitioner. Permanent Parcel No. 08-15-200-014.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Craig Duckwitz, Anderson & Eckstein Associates representative present. Mr. Duckwitz identified that the acreage size is twenty eight acres.

**MOTION by DUNN seconded by BUCCI to approve the Rezoning Request from Agricultural (AG) to Residential Urban One Family (R-1); Located on the west side of Card Road and south of 24 Mile Road. Marquee Investments, LLC, Petitioner. Permanent Parcel No. 08-15-200-014.**

**MOTION carried.**

9. Rezoning Request from Agricultural (AG) to Residential Urban One Family (R-1); Located on the north side of 23 Mile Road approximately 1 mile west of Card Road. Kenneth Malburg, Petitioner. Permanent Parcel No. 08-15-300-017.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Kenneth Malburg, present.

**MOTION by OLIVER seconded by MALBURG to approve the Rezoning Request from Agricultural (AG) to Residential Urban One Family (R-1); Located on the north side of 23 Mile Road approximately 1 mile west of Card Road. Kenneth Malburg, Petitioner. Permanent Parcel No. 08-15-300-017.**

**MOTION carried.**

10. Tentative Preliminary Plat; Gloede Park Estates; Located on the west side of Garfield Road and north of 21 Mile Road. Michele Ventimiglia, Petitioner. Permanent Parcel No. 08-30-400-020.

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Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Trustee DUNN held further discussion with the Community Planning Consultants concerning the variances as stated in the recommendations. Larry D'Loski, Township Attorney recommended the escrow for the paving for Garfield Road be a condition of the approval. Jerome R Schmeiser, Community Planning Consultant held further discussion regarding the variance for the Long Block length between 21 Mile Road and Peace Avenue that exceeds the 1320' Block Length. Supervisor BRENNAN held further discussion with Mr. Schmeiser regarding variance for the Short Block Length for the identifies cul de sacs.

Petitioner: Mr. Rkkhatri, Engineer representative present.

**MOTION by KOEHS seconded by DUNN to approve the Tentative Preliminary Plat; Gloede Park Estates; Located on the west side of Garfield Road and north of 21 Mile Road. Michele Ventimiglia, Petitioner. Permanent Parcel No. 08-30-400-020. This approval is contingent upon either the paving of Garfield Road or the depositing of the escrow for the paving of Garfield Road.**

**MOTION carried.**

**MOTION by KOEHS seconded by DUNN to add the condition that the escrow for Garfield Road paving be submitted for the Tentative Preliminary Plat; Gloede Park Estates; Located on the west side of Garfield Road and north of 21 Mile Road. Michele Ventimiglia, Petitioner. Permanent Parcel No. 08-30-400-020.**

**MOTION carried.**

**MOTION by KOEHS seconded by DUNN to grant the variances for the Short Block Length in the cul de sacs and the Long Block Length for the south half of the main road in Gloede Park Estates. Permanent Parcel No 08-30-400-020.**

**MOTION carried.**

Supervisor BRENNAN stated now that the variances have been addressed and granted the Board should make a motion to approve on the project itself.

**MOTION by KOEHS seconded by DUNN to approve the project for the Tentative Preliminary Plat; Gloede Park Estates; Located on the west side of Garfield Road and north of 21 Mile Road. Michele Ventimiglia, Petitioner. Permanent Parcel No. 08-30-400-020. This approval is contingent upon either the paving of Garfield Road or the depositing of the escrow for the paving of Garfield Road.**

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**MOTION carried.**

11. Tentative Preliminary Plat; Fallbrooke Farms Subdivision (105 lots); Located north of 25 Mile Road and approximately 700' west of Broughton Road; Elro Corporation, Petitioner. Permanent Parcel No. 08-04-400-025, 026 & 028.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Daniel S. Spatafora, Elro Corporation representative present.

**MOTION by DUNN seconded by MALBURG to approve the Tentative Preliminary Plat; Fallbrooke Farms Subdivision (105 lots); Located north of 25 Mile Road and approximately 700' west of Broughton Road; Elro Corporation, Petitioner. Permanent Parcel No. 08-04-400-025, 026 & 028.**

**MOTION carried.**

12. Final Preliminary Plat; Adrienne Estates No. 2 (17 lots); Located east of Heydenreich Road and approximately 1156' south of 21 Mile Road; GTR Builders, Petitioner. Permanent Parcel No. 08-34-101-016.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Christopher Cousino, GTR Builders representative present.

**MOTION by KOEHS seconded by MALBURG to approve the Final Preliminary Plat; Adrienne Estates No. 2 (17 lots); Located east of Heydenreich Road and approximately 1156' south of 21 Mile Road; GTR Builders, Petitioner. Permanent Parcel No. 08-34-101-016.**

**MOTION carried.**

**OLD BUSINESS:**

13. Request to review Resolution No. 1 and schedule a Public Hearing Date to adopt Resolution Number 2 for Urban Meadows Subdivision Detention Basin. Located in section 36.

Supervisor BRENNAN held further discussion with Larry Dloski, Township Attorney concerning resolution number one (1).

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Public Portion: None.

**MOTION by DUNN seconded by BUCCI to schedule a Public Hearing Date on April 9, 2003 to adopt Resolution Number 2 for Urban Meadows Subdivision Detention Basin. Located in section 36. Resolution No. 1 is as follows:**

**MOTION carried.**

14. Request for partial payment for the outdoor warning system.

Supervisor BRENNAN reviewed the request. The members of the Board held further discussion with Supervisor BRENNAN.

**MOTION by OLIVER seconded by KOEHS to approve the partial payment of eighty percent (80%) of the total outstanding bill of Two Hundred Seventeen Thousand Two Hundred Sixteen dollars and 00/100 (\$217,216.00) for the outdoor warning system serviced by West Shores, Inc.**

**MOTION carried.**

Add-On

14a. Request for authorization for the Township Engineer to design the Trunk Line Utilities for the Rivers Estates Subdivision; Located in section 23.

James Van Tiflin, Project Manager for Spalding & DeDecker Associates stated this is a standard request by the developer for the Township Engineers to perform the design for some off site sanitary sewer water main extensions. Mr. Van Tiflin stated upon approval the Township Engineers will prepare an estimate based on the construction costs for the new design and the developer will be required to deposit the funds. Mr. Van Tiflin stated the Township will grant final authorization to the Township Engineer to proceed with the request. Trustee OLIVER held further discussion with Mr. Van Tiflin regarding the district location.

Public Portion: None.

**MOTION by KOEHS seconded by MALBURG to approve the authorization for the Township Engineer to proceed forward on the design for the Trunk Line Utilities for the Rivers Estates Subdivision; Located in section 23.**

**MOTION carried.**

**NEW BUSINESS**

15. Request for Local Approval of the Liquor License Transfer for the Kit Kat Klub, Inc.



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Supervisor BRENNAN held further discussion with Ray Ahonen, Fire Department Chief, Bob Beckett, Building Department Official and Larry D'Loski, Township Attorney.

**MOTION by MALBURG seconded by KOEHS to table the matter so that the Building Department and Fire Department can complete the required inspections for the Request for Local Approval of the Liquor License Transfer for the Kit Kat Klub, Inc.**

**MOTION carried.**

**PARKS & RECREATION DEPARTMENT:**

16. Community Center Bid Awards.

Salvatore DiCaro, Parks & Recreation Director reviewed the Community Center Bid Awards.

**MOTION by OLIVER seconded by BUCCI to award the bid contract for the Metal Siding, Metal Roofing, and Built up Coal Rat Roofing (2F & 2G) to Royal Roofing in the amount of Four Hundred Eighty Eight Thousand Two Hundred Twenty dollars and 00/100 (\$488,220.00) as submitted.**

**MOTION carried.**

**MOTION by KOEHS seconded by MALBURG to award the bid contract for the Ceramic Tile (2L) to TMI Southeastern in the amount of One Hundred Sixty Eight Thousand Eight Hundred Twenty Seven dollars and 00/100 (\$168,827.00) as submitted.**

**MOTION carried.**

**MOTION by DUNN seconded by KOEHS to award the bid contract for the Swimming Pool & Water Slides (2T & 2U) to Paddock Pools in the amount of One Million Seventy Five Thousand Two Hundred Sixty Six dollars and 00/100 (\$1,075,266.00) as submitted. In addition approve the request to budget the amount of One Hundred Seventy Five Thousand dollars and 00/100 (\$175,000.00) be carried in the cost report for the water slide until a final decision is made on the manufacturer and the cost is known.**

**MOTION carried.**

**MOTION by DUNN seconded by MALBURG to award the bid contract for the Elevator (2V) to Schindler Elevator in the amount of Sixty Thousand dollars and 00/100 (\$60,000.00) as submitted.**

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**MOTION carried.**

**MOTION by BUCCI seconded by OLIVER to award the bid contract for the Heating Ventilation Air condition HVAC (2Y) to John E. Green in the amount of Eight Hundred Ninety Four Thousand dollars and 00/100 (\$894,000.00) as submitted. In addition approve the request for an allowance of Four Hundred Thousand dollars and 00/100 (\$400,000.00) be carried in the report for the De-Humidification unit until the design and operational issues surrounding this unit are resolved with Neumann Smith.**

**MOTION carried.**

Revision:

17. Request to lease ~~three (3)~~ four (4) copiers.

Salvatore DiCaro, Parks & Recreation Director reviewed three of the four requests for leasing copiers. Clerk KOEHS reviewed the fourth 4<sup>th</sup> request for a replacement for the existing copy machine for the Clerks Department.

**MOTION by DUNN seconded by MALBURG to approve the request to lease three (3) 2003 Sharp AR-MO28 copy machines from Kerr Albert for the Parks & Recreation Department, Human Resource Department, and Treasure's Department as submitted. Total cost of One Hundred and Sixteen dollars and 65/100 (\$116.65) per month for a total of thirty six (36) months as submitted.**

**MOTION by BUCCI seconded by DUNN to approve the request to lease one (1) Sharp AR-651 Copy Machine with a lease payment of Three Hundred Thirty Eight dollars and 15/100 (\$338.15) based on thirty thousand (30,000) copies per month and the Maintenance Agreement that will cost a total of Two Hundred Twenty Five dollars and 00/100 (\$225.00) as discussed.**

**MOTION carried.**

**FIRE DEPARTMENT:**

18. Request to purchase Diesel Exhaust removal System. (Tabled from 02-26-03)

Ray Ahonen, Fire Department Chief reviewed the request.

**MOTION by OLIVER seconded by DUNN to award the bid to Nederman, Inc. of Westland for the Diesel Exhaust removal System. Total cost of Thirty Two Thousand Four Hundred Fifty Seven dollars and 00/100 (\$32,457.00) as submitted.**

**MOTION carried.**

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19. Request to purchase five (5) additional Automated External Defibrillators.

Ray Ahonen, Fire Department Chief reviewed the request.

**MOTION by BUCCI seconded by DUNN to award the bid to Medtronic Physio – Control Corp of Redmond, Washington for the five (5) Automated External Defibrillators. Total cost of Twelve Thousand Four Hundred Seventy Five dollars and 00/100 (\$12,475.00) as submitted.**

**MOTION carried.**

20. Request to purchase Access Control System for Stations One and Two.

Ray Ahonen, Fire Department Chief reviewed the request.

**MOTION by DUNN seconded by KOEHS to award the bid to Thumb Alarm System of Lapeer for the Access Control System for Stations One and Two. Total cost of Seven Thousand dollars and 00/100 (\$7,000.00) as submitted.**

**MOTION carried.**

21. Request to purchase two (2) workstation computers for Fire Hall Number one (1).

Clerk KOEHS reviewed the request.

**MOTION by DUNN seconded by MALBURG to approve the Request to purchase two (2) workstation computers for Fire Hall Number one (1) as discussed.**

**MOTION carried.**

**Chief Ahonen, Township Fire Department Chief updated the Board on the status of rewriting the job description of the assistant chief. Mr. Ahonen stated the information for the job description will be brought forward tentatively at the next Township Board meeting.**

**WATER/SEWER DEPARTMENT:**

22. Easement Encroachment, Ronald C. and Mary E. O'Connor, 48223 Manchester Drive, Macomb, MI 48044.

David Koss, Water & Sewer Department Superintendent reviewed the request.

**MOTION by OLIVER seconded by MALBURG to approve the Easement Encroachment, Ronald C. and Mary E. O'Connor, 48223 Manchester Drive, Macomb, MI 48044.**

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**MOTION carried.**

**BUILDING DEPARTMENT**

Add-On

23. Request for two (2) Plumbing Inspectors to attend the Plumbing Inspectors Association of Michigan (PIAM).

Bob Beckett, Building Department Official reviewed the request.

**MOTION by KOEHS seconded by DUNN to approve the Request for two (2) Plumbing Inspectors to attend the Plumbing Inspectors Association of Michigan (PIAM). Total cost of Six Hundred Ninety Four dollars and 00/100 (\$694.00) as submitted. The Mileage is also part of this approval.**

**MOTION carried.**

**SUPERVISOR COMMENTS:**

Add-On

- 24a. Re-ratification of a Phone Pole that was taken to settle a Miosha Violation Claim with the Township.

Supervisor BRENNAN reviewed the request.

**MOTION by BUCCI seconded by OLIVER to approve the re-ratification of a Phone Pole that was taken to settle a Miosha Violation Claim with the Township as discussed.**

**FOR THIS MOTION: BUCCI, OLIVER, DUNN, MALBURG, KOEHS, BRENNAN.**

**ABSENT: MEERSCHAERT.**

**OPPOSED: NONE.**

**MOTION carried.**

Add-On

- 24b. Discussion regarding a settlement for some proposed discrimination charges that were filed against the Township by some of the Township Fire Fighters.

Supervisor BRENNAN reviewed the request. Mr. Dloski, Township Attorney stated as a result of the Miosha investigation three (3) paid on call Fire Fighters filed a claim of

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discrimination with the Department of Consumer and Industry Services alleging that they felt quote “discriminated against”, because of the Miosha investigation and some statements that were made as a result of the investigation. Mr. D’Loski stated his firm (The Law Offices of Seibert and Dloski) filed a written response as a reply on behalf of the Township and filed it with Miosha. Mr. D’Loski stated that he had conversations with the investigator from Miosha and the investigator has done a review and research and has spoken with the three (3) complainants. Mr. D’Loski stated he had received a phone call yesterday (March 11, 2003) from the investigator and said The Department of Consumer and Industry Services would like to resolve the matter and stated that the Department of Consumer and Industry Services would send a written proposal to Mr. D’Loski. Mr. D’Loski stated that he had received the written proposal this afternoon around three 3:00 P.M. (March 12, 2003). Mr. D’Loski stated because of the Township Board meeting scheduled tonight the Board has an opportunity to resolve this matter. Mr. Dloski recommended that the Board consider the matter tonight. Mr. D’Loski summarized the proposal from the Department of Consumer and Industry Services. Mr. Dloski stated they proposed that Macomb Township Fire Department and its employee both acknowledge that there is a state statute that gives employees the right to file a Miosha complaint and if these complaints are filed the Fire Department and employees should treat them discreetly as possible. Mr. Dloski stated that Miosha recommended that the three (3) Fire Fighters should dismiss their charges of discrimination against the Township Fire Department, and discharge any claims that they had against The Township and The Fire Department as a result of those three complainants. Mr. D’loski stated the agreement would not constitute an admission of liability or guilt on the part of the three (3) Fire Fighters and or the Township. Mr. D’loski stated the agreement reviewed will basically resolve the existing matter and will settle all the claims that were filed against the Township. Mr. Dloski stated that he has reviewed the agreement and the content of the document with the Township Supervisor and Township Fire Chief. Mr. D’loski stated his recommendation to the Board to authorize the Legal Counsel to enter into the settlement on behalf of the Township and the Fire Department and execute the settlement agreement and fax it back to the Department of Consumer and Industry Services tomorrow (March 13, 2003).

**MOTION by KOEHS seconded by DUNN to authorize the Legal Counsel to enter into the settlement on behalf of the Township and the Fire Department and execute the settlement agreement and fax it back to the Department of Consumer and Industry Services.**

**MOTION carried.**

Add-On

- 24c. Request to authorize the Township Attorney to review and sign on the third 3<sup>rd</sup> Amendment of MCL Consent Judgment for the Village at Riverside, The Park at Riverside, and the Riverside Communities.

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Supervisor BRENNAN reviewed the request with the members of the Board and Township Attorney. Dr. Dloski, Township Attorney reviewed the MCL Consent Judgment property known as the Riverside Communities, Anthony Lombardo is developer. Mr. D'loski stated when the Consent Judgment was executed a site plan was approved, that site plan approved was for the quote "the Riverside Communities". Mr. D'loski stated that when the site plan was forwarded to the Supervisor's Office for addressing, the developer had submitted two separate site plans known as The Park at Riverside and The Village at Riverside. Mr. Dloski stated the reason the developer submitted two separate plans is because one is involving a site condominium and the other one is involving an attached condominium. Mr. D'loski stated because of the separate site plans the addressing could not be done and the Township Assessor could not approve it because it was different than the site plan that was attached to the Consent Judgment. Mr. Dloski stated the site plan attached to the Consent Judgment is a controlling document. Mr. D'loski stated since then the plans have been revised and reviewed by the Township Planning Consultants and everything has been completed based on the Township requirements. Mr. D'loski recommended that the Township authorize Legal Counsel to sign the third amendment to the Consent Judgment.

**MOTION by KOEHS seconded by MALBURG to authorize the Township Attorney to review and sign on the third 3<sup>rd</sup> Amendment of MCL Consent Judgment for The Village at Riverside, The Park at Riverside, The Riverside Communities.**

**FOR THIS MOTION: KOEHS, MALBURG, BUCCI, OLIVER, DUNN, BRENNAN.**

**ABSENT: MEERSCHAERT**

**OPPOSED: NONE.**

**MOTION carried.**

**CLERK COMMENTS:**

Add-On

25a. Request to purchase a server for the BS & A Software Package that the Township has purchased this additional server is required to run the BS & A software.

Clerk KOEHS reviewed the request.

**MOTION by DUNN seconded by MALBURG to approve the request to purchase one (1) Gateway 960 total cost of Six Thousand Six Hundred Fifty dollars and 00/100 (\$6,650.00) and the Shipping and Handling fee of Eighty dollars and 00/100 (\$80.00) as submitted.**

**MOTION carried.**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
WEDNESDAY MARCH, 12 2003  
AT 7:00 P.M.

Add-On

25b. Request for a Citizens Advisory Committee.

Clerk KOEHS reviewed the request.

**MOTION by OLIVER seconded by DUNN to authorize the request for a Citizens Advisory Committee and move forward on the soliciting of individuals and their interests.**

**MOTION carried.**

**TREASURER COMMENTS:**

Marie Malburg, Township Treasurer reviewed the Utica Community Schools request to offer the Macomb Township Board of Trustees to collect the School Districts summer taxes 2003 for compensation of one dollar and 00/100 (\$1.00) per parcel. Supervisor BRENNAN stated for the Townships cost, time and involvement in handling the taxes it comes out to approximately three dollars and 50/100 (\$3.50) per parcel. Supervisor BRENNAN recommended that the Board decline the proposal from Utica Community Schools.

**MOTION by BUCCI seconded by OLIVER to decline the proposal from the Utica Community Schools requesting that the Township Board of Trustees collect the School Districts summer taxes for 2003 compensation of one dollar and 00/100 (\$1.00) per parcel.**

**MOTION carried.**

**TRUSTEES COMMENTS:**

Trustee DUNN held further discussion with the members of the Board concerning the proposal lighting of the future Township Hall sign. Supervisor BRENNAN stated the proposal for lighting will be looked into and brought forward to a future meeting for approval. Larry D'Loski, Township Attorney updated the Board on the status of the issue between Towngate Plat Vacation and Beaufait Farms. Mr. D'loski stated that one hundred and fifty complaints were mailed out to the Township residents regarding the matter. Mr. D'loski stated the reply from residents responding to the mailing has mainly been identifying what is happening in the area. Mr. D'loski stated the process is moving along well.

**EXECUTIVE SESSION:**

**ADJOURNMENT**

**MOTION by MALBURG seconded by KOEHS to adjourn the meeting at 8:08P.M.**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
WEDNESDAY MARCH, 12 2003  
AT 7:00 P.M.

**MOTION carried.**

Respectfully,

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John D. Brennan, Supervisor

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Michael D. Koehs, Clerk

Gabrielle M. Baker, Recording Secretary  
MDK/gmb